

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE INDIANA)
UTILITY REGULATORY COMMISSION'S)
INVESTIGATION OF MATTERS RELATED)
TO THE BUSINESS PRACTICES OF)
ANNOX, INC. AND METRO TELECONNECT)
COMPANIES, INC., IN THE STATE OF)
INDIANA PURSUANT TO INDIANA CODE)
8-1-2-1(A) AND 8-1-2-58)

FILED

NOV 13 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42521

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

This Cause was initiated by Commission order on October 8, 2003. That Order set out the bare facts upon which the Commission based its need for an investigation, specifically a series of transactions between Metro and Annox, Inc. ("Annox") which appear to have been in violation of 170 I.A.C. 7-1.1-19. The first notice that the Commission had that such investigation might be necessary was the filing, by SBC, of a disconnect notice regarding customers of Annox. Hence, when the Commission initiated its investigation, it invited both SBC and Verizon to intervene in the proceeding, as both entities were considered necessary for a full and fair hearing of the issues.

Pursuant to due and timely notice, a prehearing conference was held in this Cause. Metro, Annox, and Verizon appeared. No members of the public appeared or sought to testify. Verizon filed and was granted leave to intervene. No pleadings were received by SBC.

Pursuant to 170 I.A.C. 1-1-6, parties to a proceeding include petitioners, respondents, intervenors, and respondents. A respondent is defined as "any person or entity whom a petitioner makes a party, whether because relief against such party is applied for or because such party has an interest in the subject matter, or whom the Commission makes a party to a proceeding." 170 I.A.C. 1-1-6(c). This is further underscored by Trial Rule 20(a), which states that parties may join in one action "if they assert any right jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrence and if any question of law or fact common to all these persons will arise in the action."

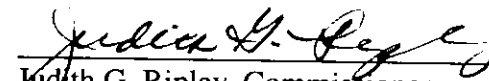
This power to join a party is further emphasized in the statutory sections outlining the Commission's investigative powers. The Commission has been granted numerous powers pursuant to I.C. 8-1-2-50, including the power to compel the production of books, papers, and records.

Further, in the context of a hearing held pursuant to an investigation, the utility and complainant have the "process to enforce the attendance of witnesses." I.C. 8-1-2-56.


Taken *en toto*, the Commission has the authority to join SBC in this proceeding. SBC clearly has an interest – either inchoate or actual – in the proceedings, as common issues of fact and law govern the transactions between SBC, Metro, Annox, and Verizon. While the Commission recognizes that joinder may place an unexpected burden on a party, we feel that SBC's participation is necessary so that all the issues may be investigated fully in this matter.

SBC is hereby JOINED in this action.

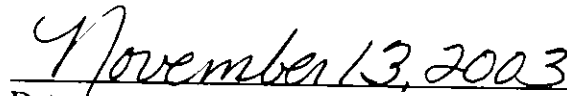
IT IS SO ORDERED.



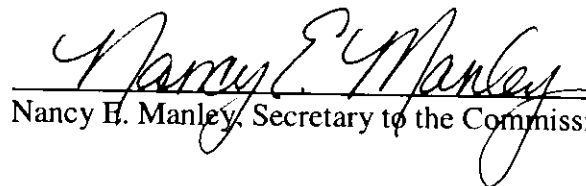
Judith G. Ripley, Commissioner



Lorraine Hitz-Bradley, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission